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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IYO. INC.,

Plaintiff,

vs.

IO PRODUCTS, INC., OPENAI, INC.,
OPENAI, LLC, SAM ALTMAN, and SIR
JONATHAN PAUL IVE,

Defendant.

Case No. 3:25-cv-04861

**DECLARATION OF MARGRET M.
CARUSO IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFF IYO INC.'S MOTION FOR A
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

The Hon. Trina Thompson
Hearing: June 17, 2025 at 10 am

DECLARATION OF MARGRET M. CARUSO

I, Margret M. Caruso, declare as follows:

1. I am an attorney licensed to practice in the State of California and am a partner of the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Defendants IO Products, Inc. (“IO”), OpenAI, Inc., OpenAI, LLC, and Sam Altman. I make this declaration in support of Defendants’ Opposition to Plaintiff IYO, Inc.’s Motion for a Temporary Restraining Order and Preliminary Injunction. I have personal knowledge of the matters set forth in this declaration, and if called as a witness, I would testify competently to them.

Plaintiff’s Use of iyo

2. I first viewed Plaintiff’s iyo.audio website the week of June 2, 2025. At the time, the website largely consisted of a black background with yellow-green font lettering rendered in all caps in a style that might be described as “retro computer typography.” The smaller font seemed designed to evoke computer screens from the 1980s and 1990s. Part of the content of the website I viewed included an itemized list of the intended users of Plaintiff’s products:

PROFESSIONAL MUSICIANS

AUDIO ENGINEERS

AUDIOPHILES

AUDITORY NEUROSCIENTISTS

PSYCHOACOUSTICIANS

The specificity of the target user identification was so striking to me that I cut and pasted a copy of it. But that version of Plaintiff’s website is no longer available, and that content appears to have been deleted from the current version. Attached as **Exhibit A** is a screen capture from the Internet Archive’s Wayback Machine, reflecting a capture date of May 26, 2025 available at

<https://web.archive.org/web/20250526074000/https://www.iyo.audio/>. The content of these screenshots reflects the type of font and background used in the website I saw last week, but at least

1 certain pages of that website seemed to have a significant amount of text compared to the
2 background space surrounding them. The archived screen capture does not reflect the subpage that
3 contained the list of intended users of the products, which was apparently not archived. When I
4 next looked at the Plaintiff's website on June 11, 2025, the style was significantly different from the
5 version I had seen before the lawsuit was filed. Attached as **Exhibit B** is a true and correct copy of
6 a screen capture reflecting what the home page of Plaintiff's iyo.audio website looked like on June
7 11, 2025.

9 3. Attached as **Exhibit C** is a true and correct copy of a screen capture of
10 <https://www.shop.iyo.audio/shop/p/iyo-one>, from June 12, 2025, which states the iyO One "Wi-Fi
11 version expected this August, Wi-Fi + LTE version release date coming soon." It reflects a deposit
12 of \$99 to preorder, and a total price of \$999 for WiFi version and \$1199 for the WiFi + LTE version.

14 4. Attached as **Exhibit D** is a true and correct copy of a screen capture from the Internet
15 Archive's Wayback Machine, reflecting a capture date of May 23, 2024 available at
16 <https://web.archive.org/web/20240523231143/https://www.shop.iyo.audio/shop/p/iyo-one>. The
17 webpage invites a user to "Place a pre-order deposit to be one of the first to get IYO ONE when it's
18 released (expected this winter)." It reflects a deposit of \$59 to preorder the WiFi version of IYO
19 ONE and a deposit of \$69 to preorder the WiFi + LTE version.

21 5. Attached as **Exhibit E** is a true and correct copy of a screen capture of
22 <https://www.shop.iyo.audio/shop/p/vad-pro> from June 12, 2025, which shows that the iyO "VAD
23 PRO" can be purchased for \$1,999.

24 6. Plaintiff's homepage also embeds an April 2024 TED talk given by Jason Rugolo.
25 The video of this talk appears at
26 https://www.ted.com/talks/jason_rugolo_welcome_to_the_world_of_audio_computers. Attached
27
28

hereto as **Exhibit F** is a true and correct copy of the transcript of Mr. Rugolo’s TED talk, which was extracted at my direction from the “Read Transcript” function at the link.

“IO” Use in the Market

7. Attached as **Exhibit G** are true and correct copies of screen captures reflecting the use of the letters “IO” as the name, or part of the name, of a company, product, or event, as screen captured from the Internet. These include screen captures from the following URLs:

- a. <https://blog.google/inside-google/google-io-meaning/> (reflecting Google’s annual I/O event to share its development updates, which, according to Google’s website, it has hosted for more than a decade);
- b. <https://iogear.com/products/ghg602>, <https://iogear.com/> (describing IOGear’s electronic products, including input/output peripherals and the UNIKOMM Universal Headset);
- c. <https://dali-speakers.com/en-us/products/io/?series=dali+io> (showing Dali Speakers’ Dali IO Series of audio headphones, including the DALI IO-6, DALI IO-8, and DALI IO-12);
- d. <https://www.headfonia.com/io-audio-volare-review/2/> (discussing IO\Audio’s “Volare” in-ear headphones);
- e. <https://www.builder.io/ai> (describing Builder.io’s intelligent assistant, which, according to its website, can utilize artificial intelligence to “generate on-brand, production-ready” websites based on web design files inputted by a user);
- f. <https://logz.io/> (reflecting Logz.io’s artificial intelligence tools);
- g. <https://www.linak-us.com/segments/techline/ic-integrated-controller/actuators-with-i-o-interface/> (describing Linak A/S’s “Linak I/O” linear actuator system).

Other Products in the Market

8. Attached hereto as **Exhibit H** are true and correct copies of screenshots of the product webpages for headphones that purport to integrate artificial intelligence features, as downloaded from the internet. These include screen captures from the following URLs:

a. <https://www.apple.com/airpods-4/> (reflecting Apple AirPods 4, which Apple’s website describes as integrating with Siri, Apple’s voice assistant. The website states that with “Siri on standby,” AirPods 4 users can “play music, make calls, get directions, or check their schedule” using only voice commands);

b. https://store.google.com/product/pixel_buds_pro_2?hl=en-US (reflecting Google’s Pixel Buds Pro 2, which allow users to “talk to Gemini for hands-free help” without having to first access their phones).

Additional Documents

9. Attached hereto as **Exhibit I** is a true and correct copy of a Wired article entitled “Johnny Ive is Leaving Apple,” available at <https://www.wired.com/story/jony-ive-leaves-apple/>.

10. Attached hereto as **Exhibit J** are true and correct copies of definitions of the acronym “TYO” from the following online slang dictionaries, including screen captures from the following URLs:

a. <https://en.wiktionary.org/wiki/IYO>;

b. <https://slang.net/meaning/iyo>;

c. <https://www.noslang.com/search/iyo>.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed on June 12, 2025 at Redwood City, California.

/s/ Margret M. Caruso

Margret M. Caruso